

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LAWRENCE YATES,
Plaintiff,

vs.

WELLS FARGO HOME MORTGAGE
Defendant.

Case No. 1:15-cv-377
Black, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

Plaintiff Lawrence Yates brings this pro se action involving his home mortgage against defendant Wells Fargo Home Mortgage. This matter is before the Court on plaintiff's motion for default judgment (Doc. 14) and defendant's memorandum in opposition (Doc. 15).

Plaintiff does not specify the basis for his motion. (*See* Doc. 14). In its response, defendant assumes that plaintiff's motion concerns the timeliness of defendant's motion to dismiss. (Doc. 15 at 1). Defendant argues that it timely filed its motion to dismiss because the Court previously granted defendant an extension of time to file its responsive pleading. (*Id.*).

If a defendant has not waived service of process, it must serve a responsive pleading "within 21 days after being served with the summons and complaint." Fed. R. Civ. P. 12(a)(1)(A). The Court may extend this time: "(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect." Fed. R. Civ. P. 6(b)(1).

Here, defendant moved for an extension of time until August 12, 2015 to file a responsive pleading. (Doc. 8). The Court granted defendant's motion for an extension of time. (Doc. 10). Defendant filed its motion to dismiss on August 12, 2015 within the new deadline set by the

Court. (Doc. 12). Plaintiff has identified no other basis to support his motion for default judgment. Accordingly, plaintiff's motion for default judgment (Doc. 14) should be **DENIED**.

IT IS SO RECOMMENDED.

Date: 1/5/16


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).